

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

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|------------------------|---|----------------------------|
| APPLE INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | C.A. No. 22-1378-MN |
| v. |) | |
| |) | JURY TRIAL DEMANDED |
| MASIMO CORPORATION and |) | |
| SOUND UNITED, LLC, |) | |
| |) | |
| Defendants. |) | |

**[PROPOSED] ORDER GRANTING UNOPPOSED MOTION OF
PLAINTIFF AND COUNTERCLAIM DEFENDANT APPLE INC.
TO STAY CERTAIN PATENT COUNTERCLAIMS PENDING ITC DETERMINATION
PURSUANT TO 28 U.S.C. § 1659**

Before the Court is Plaintiff and Counterclaim Defendant Apple Inc.’s Unopposed Motion to Stay Defendant and Counterclaimant Masimo Corporation’s patent counterclaims pending final determination of a parallel International Trade Commission proceeding (Investigation No. 337-TA-1276), pursuant to 28 U.S.C. § 1659. The Court, having considered the motion, finds that Apple has shown good cause, and therefore grants the motion.

Accordingly, it is ordered that each of Masimo’s Counterclaims Nos. 7, 8, 9, 11, and 13, which assert U.S. Patent Nos. 10,912,501, 10,912,502, 10,945,648, 10,687,745, and 7,761,127, are stayed until the ongoing International Trade Commission matter has concluded, including all appeals, for the patent asserted in the counterclaim. Within 14 days of the conclusion of the ITC matter, including all appeals, as to any one or more of the above patents, the parties shall file a joint status report notifying the Court of such conclusion and the patent(s) to which it applies, and propose how the Court should proceed as to such patent(s).

So ordered this ____ day of _____, 2023
at Wilmington, Delaware.

UNITED STATES DISTRICT JUDGE